

Plaintiffs' Exhibit List | Kleeberg v. Eber, 16-cv-9517

| EX # | DESCRIPTION | DATE |
|------|---|---------------------|
| 1 | Internal Canandaigua National Bank ("CNB") Email re Eber Account | Sent 11/22/2006 |
| 2 | Email from Wendy Eber to Rick Hawks, CNB, re: Annual Letter | Sent 12/02/2009 |
| 4 | Letter from CNB to Audrey Hays | Dated 12/18/2012 |
| 5 | Letter from CNB to Audrey Hays | Dated 12/23/2013 |
| 6 | Email from Wendy Eber to Lester Eber attaching for his review draft "Minutes from Meeting of Trustees of the Trust of Allen Eber June 7th" 2012 | Sent 1/02/2013 |
| 8 | Lester Eber's Notarized Affidavit | Signed 12/08/2011 |
| 9 | Letter from Richard Hawks (CNB) to Lester Eber and Elliott Gumaer re: Allen Eber Residuary Trust | Dated 2/24/2016 |
| 11 | Chart of Corporate Structure of EBWLC and Operating Affiliates as of 2009 | Undated |
| 12 | Wendy Eber's "Summary of Lester Eber's Payments for Liabilities of EBER Bros. W and L Corp." | Undated |
| 13 | Line of Credit Note from Eber Metro to Lester Eber | "October __, 2009" |
| 14 | Polebridge Bowman Stock Purchase Agreement with Eber Metro | "as of" 5/30/2010 |
| 15 | Security Agreement between EBWLC, Eber Metro, and Lester Eber | "as of" 2/26/2010 |
| 16 | Line of Credit Note from Eber Metro to Lester Eber | Dated 2/26/2010 |
| 17 | Debt Assumption Agreement between EBWLC and Eber Metro | "as of" 2/11/2011 |
| 18 | Amended and Restated Security Agreement between EBWLC and Eber Metro "in favor of" Lester Eber | "as of" 2/11/2011 |
| 19 | Minutes of EBWLC 8/18/2011 Board Meeting | Undated |
| 21 | Gumaer Resignation from EB&C, Eber Metro, and Eber-CT | Scanned 2/7/2017 |
| 27 | Consulting Agreement between Southern Wine & Spirits and Lester Eber | Effective 8/30/2007 |

Plaintiffs' Exhibit List | Kleeberg v. Eber, 16-cv-9517

| EX # | DESCRIPTION | DATE |
|------|---|----------------------------|
| 28 | W-2s Issued to Lester Eber for 2006 to 2009, and 2011 to 2017 | Various |
| 29 | Letter Agreements between Southern Wine & Spirits and Lester Eber | Various from 2012 to 2016 |
| 30 | Amended and Restated Promissory Note | "as of" 3/13/2006 |
| 31 | Alexbay, LLC Business Details and Name Change History from Connecticut Secretary of State | Accessed 10/1/2016 |
| 32 | Letter from Rita Nischal, Esq. (CNB) to Lester Eber | Dated 7/12/2017 |
| 33 | Order for Judicial Settlement of Final Account of Co-Trustee | 6/1/2017 |
| 34 | Letter from James G. Vazzana, Esq. to Rita Nischal | 7/19/2017 |
| 35 | Email from Paul Keneally attaching Notice of Intent to Purchase Shares from Lester Eber to Allen Eber Trust c/o CNB | Sent 10/31/2018 |
| 36 | Proposed Distribution of Securities from Allen Eber Trust | Revised 9/2017 |
| 37 | Email from James Vazzana to Rita Nischal | Sent 9/15/2017 |
| 38 | Letter from Larisa LaRocca to James Vazzana and Brian Brook | Dated 10/11/2017 |
| 40 | Email from James Vazzana to Lorisa LaRocca | Sent 6/2/2017 |
| 41 | Email from James Vazzana to Lorisa LaRocca | Sent 8/18/2017 |
| 42 | Letter from Audrey Hays to Wendy and Lester Eber | Sent 10/10/2018 |
| 43 | Written Consent of the Sole Member of EBWLC BOD; Stock Issuance to Lester Eber; EBWLC Certificate of Incorporation Amendment; Written Consent of EB&C as shareholder of EBWLC | "as of" 2/14 and 2/15/2017 |
| 44 | Alexbay v. EBWLC et al. Summons and Complaint | Filed 2/21/2012 |
| 45 | Affidavit of Lester Eber in Support of Motion for Judicial Determination of 'Commercial Reasonableness' Under UCC 9-627 | Signed 3/14/2012 |
| 46 | Affidavit of Lester in Harris Beach v. EBWLC et al., No. 2014-13623 | Signed 6/24/2015 |

Plaintiffs' Exhibit List | Kleeberg v. Eber, 16-cv-9517

| EX # | DESCRIPTION | DATE |
|------|---|---------------------------------------|
| 47 | Engagement Letter Agreement between Elliott Gumaer and Lester Eber | Dated 1/2/2001 and stamped 1/8/2001 |
| 48 | Email from Elliott Gumaer to Wendy and Lester Eber re: Compensation | Sent 10/29/2013 |
| 49 | Letter from Lester Eber to Sally Kleeberg re: Loan (without enclosures) | Dated 4/2/2010 |
| 55 | Slocum of Maine Call Option Exercise Letter | Dated 7/_/2012 |
| 56 | Letter Agreement between EBWLC and Eder-Goodman, LLC re Sale of Interest in Eber-CT | Dated 1/29/2008 |
| 57 | Amended and Restated LLC Agreement of Eber-CT | "as of" 4/1/2008 |
| 59 | Alexbay's Notice to EBWLC of Proposal to Accept Collateral in Full Satisfaction of Debts Owed by Eber Metro | Dated 1/_/2012 |
| 60 | Board Meeting Minutes | Various |
| 61 | Unanimous Written Consent of the Board of Directors of EBWLC to transfer Eber Metro to Alexbay | Signed 6/9/2012 |
| 62 | Eber Metro Stock Certificate Issued to Alexbay, signed by Lester Eber as President of Eber Metro | Dated 6/5/2012 |
| 63 | Agreement for Turnover and Acceptance of Eber Metro Pursuant to N.Y. U.C.C., signed by Lester for Alexbay and Wendy for EBWLC and Metro | Dated 6/5/2012 |
| 67 | Emails from Gumaer to Lester and Wendy Eber re: Trustee Compensation | 4/11 & 6/28/2014 |
| 74 | Affidavit of Confession of Judgment, Teamsters v. EBWLC | Signed 8/1/2012 |
| 77 | Unanimous Written Consent of Board of Directors of EBWLC re: Lester Eber Resignation and Appointment of Wendy Eber as President | "as of" 2/28/2012 but faxed 3/26/2012 |
| 86 | Letter from James Vazzana to Lorisa LaRocca re Lester Eber / Trust | Dated 3/28/2017 |
| 88 | Wendy Eber Amended Responses Daniel Kleeberg's First Set of Interrogatories | Dated 7/26/2018 |

Plaintiffs' Exhibit List | Kleeberg v. Eber, 16-cv-9517

| EX # | DESCRIPTION | DATE |
|------|---|---|
| 93 | Letters from Wayne Chaplin, President of Southern Wine & Spirits, to Lester Eber, President of EBWLC | 3/14/2007 and 2/7/2007 |
| 98 | Email from Wendy Eber to Elliott Gumaer attaching Letter dated 11/7/2012 from Underberg & Kessler re Alexbay's loans | Sent 12/13/2012 |
| 101 | Email from Lester Eber to Elliott Gumaer re: attending meeting and speaking with Richard Hawks of CNB | Sent 3/2/2012 |
| 102 | Emails between Elliott Gumaer, Wendy Eber, and Lester Eber | Sent 3/9/2012 |
| 103 | | |
| 107 | Ebers' Amended Answer to Third Amended Complaint ("TAC") | Filed 6/24/2019 |
| 108 | Bylaws of EBWLC | Undated |
| 109 | Email and Attachments drafted by David Belt, Esq. for Lester Eber | 1/18/2012 |
| 110 | Lester Eber Deposition Day One Errata Sheet | Signed 3/8/2019 |
| 112 | Email from Wendy Eber to Lester Eber's assistant supplying responses to questions from David Belt re: Lester's loans | Sent 10/5/2011 |
| 114 | Email from Wendy Eber to David Belt, Esq. re Lester Eber Loan Balances and Interest | Sent 1/18/2012 |
| 115 | Unanimous Written Consent of the Members of the Board of Directors of EB&C | "as of" 2/14/2017 |
| 117 | Email from Wendy Eber to Lester Eber, Elliott Gumaer, and Glenn Sturm re Minutes to Board Meeting | Sent 3/4/2010 |
| 119 | Email from Elliott Gumaer to Wendy Eber re Wendy taking first right of first refusal to Polebridge Bowman's 6% interest in Eber-CT (forwarded to Harris Beach attorneys), and attaching Memorandum from Glenn Sturm | Gumaer email sent 5/26/2010; Memo dated 5/26/2010 |
| 120 | Email from Wendy Eber to Elliott Gumaer attaching a Unanimous Written Consent in Lieu of Meeting of the Board of Directors of Eber Metro dated May 28, 2010 but not yet signed by Gumaer | Sent 7/29/2010 |

Plaintiffs' Exhibit List | Kleeberg v. Eber, 16-cv-9517

| EX # | DESCRIPTION | DATE |
|------|--|---|
| 122 | Email from Elliott Gumaer to Wendy Eber re Alexbay matter | Sent 3/13/2012 |
| 123 | Email from Wendy Eber to Marino Fernandez attaching documents re: CNB's loan to Eber-CT | Sent 3/12/2012 |
| 126 | Expert Report of Frank Torchio | Served 6/28/2019 |
| 127 | Expert Report of Glenn Liebman | Served 7/26/2019 |
| 132 | Allen Eber's Will (the Trust instrument) | Signed 10/27/1969 |
| 133 | Bylaws of Eber Bros. & Co., Inc. ("EB&C") | Undated |
| 134 | EB&C Stock Certificates Issued to the Trustees | Issued 5/10/1991, 12/2/1997, and 9/6/1989 |
| 135 | CNB's Petition for Judicial Settlement of Final Account of Co-Trustee, Resignation and Discharge of Co-Trustee and Termination of Trust (Relevant Excerpts Only; Ex. A (Empire Valuation) Omitted) | Filed 2/15/2017 |
| 136 | Email from Wendy Eber to James Vazzana attaching Empire Valuation's Appraisal of EBWLC; forwarded to CNB's outside counsel | Sent 1/27/2017 |
| 137 | Notice of Appearance of James G. Vazzana, of Wiedman, Vazzana, Corcoran & Volta, P.C., on behalf of Lester Eber in the Final Accounting of CNB Matter (with Cover Letter and Email) | Sent 3/14/2017; Signed by Lester Eber 3/13/2017 |
| 138 | Appointment of CNB as Trustee of the Trust | Dated 7/23/2007 |
| 139 | Revised Torchio Report Exhibits | Produced 8/22/2019 |
| 140 | Guaranty of EBWLC "in favor of" Lester Eber | "as of" 2/26/2010 |
| 141 | Lester Eber's 2nd Amended Responses to Lisa Stein's First Set of Interrogatories | Dated 7/26/2018 |
| 142 | Lester Eber's 2nd Amended Responses to Daniel Kleeberg's First Set of Interrogatories | Dated 7/26/2018 |
| 143 | Letter from Paul Keneally to Daryoush Behbood | Sent 8/17/2018 |

Plaintiffs' Exhibit List | Kleeberg v. Eber, 16-cv-9517

| EX # | DESCRIPTION | DATE |
|------|---|-----------------------------|
| 144 | Eber Defendants' Responses to Audrey Hays' Second Set of Interrogatories | Verified 8/27/2018 |
| 145 | Lester Eber's Responses to Daniel Kleeberg's Second Set of Interrogatories | Verified 8/27/2018 |
| 146 | Wendy Eber's Responses to Lisa Stein's First Set of Interrogatories | Signed 8/28/2018 |
| 147 | Letter from Paul Keneally to Brian Brook re Interrogatory Supplements | Sent 12/14/2018 |
| 148 | Responses to Hays' Contention Interrogatories | Dated 9/13/2019 |
| 149 | Responses to Stein's Contention Interrogatories | Dated 9/13/2019 |
| 151 | Stand-Alone Restricted Stock Award Agreement and Employment Agreement between Wendy Eber and Eber Metro and Eber-CT | Effective "as of" 8/14/2012 |
| 152 | Resolutions of the Board of Directors of EBWLC | Dated 2/26/2010 |
| 153 | Email from Wendy Eber to Richard Hawks | Sent 12/15/2016 |
| 154 | Board Authorizing Resolution re: Transactions with Southern Wine & Spirits | Dated 8/__/2007 |
| 155 | EBWLC Form W-2 to Lester Eber | Calendar Year 2010 |
| 156 | Emails between Richard Hawks, Lester Eber, and Elliott Gumaer re: Lisa Kleeberg Stein Financial Request | 9/1 to 9/6/2011 |
| 157 | Letters from Richard Hawks (CNB) to Sally Kleeberg, Lester Eber, and Wendy Eber re Distribution to Erica Stein | Dated 9/20/2011 |
| 158 | Audited Financial Statement for Eber-CT 2011 and 2012 | Dated 2/4/2013 |
| 159 | Stipulation between Alexbay, EBWLC and Eber Metro re "no objection" to conveying Eber Metro to Alexbay | Signed 3/9/2012 |
| 160 | EBWLC General Ledger Page 76, reflecting Legal and Accounting Expenses in Winter and Spring 2012 | Redacted by Defs. |
| 161 | Letter from Richard Hawks (CNB) to Audrey Hays, enclosing Letter from Lester Eber dated 12/15/2009 | Dated 12/18/2009 |

Plaintiffs' Exhibit List | Kleeberg v. Eber, 16-cv-9517

| EX # | DESCRIPTION | DATE |
|------|--|---|
| 162 | Closing Index to Harris Beach's Transaction Binder for Eber Bros. -- Southern Wine & Spirits Transactions | Undated |
| 163 | Alexbay Notice to Eber Metro of Proposal to Accept Collateral In Full Satisfaction of Debts, and Notice to Teamsters | Faxed 1/18/2012 and Delivered 1/19/2012 |
| 164 | Follow-up Correspondence from Lester Eber to Allen Eber Trust c/o CNB re [Exhibit 35] | Signed and Sent 12/17/2018 |
| 165 | EBWLC Response to PBGC's Statement of Material Facts and Statement of Material Facts in Support of Its Own Motion for Summary Judgment | Filed 10/1/2015 |
| 166 | EBWLC Reply in Further Support of Its Motion for Summary Judgment against PBGC | Filed 12/2/2015 |
| 167 | Annual Funding Notice for EBWLC Retirement Plan for plan year ending 05/31/2012 | Mailed 11/15/2012 |
| 168 | EBWLC General Ledger Pages 45, 71, 79, 81, 87, reflecting some of the payroll expenses incurred after September 2007 | Redacted by Defs |
| 169 | Emails between Wendy Eber and accountants (note that the attachments to the top email were not produced by Defendants) | From 3/24/2009 through 7/24/2013 |
| 170 | Eber Metro Profit & Loss Statement for Year Ending May 31, 2009 | Printed 8/11/2009 |
| 171 | Emails between Lester Eber, Wendy Eber, and David Dean concerning the sale of Eber-Rhode Island assets | Sent from 5/20/2008 to 5/21/2008 |
| 172 | Emails from Wendy Eber to Rick Hawks (CNB) re payment of dividends to the Trust and Class B individual shareholders from Eber Bros. | Sent from 12/2/2009 to 12/11/2009 |
| 173 | Letter from P. Keneally to D. Behbood re Supplemental Interrogatory Responses from Wendy Eber | Sent 11/21/2018 |
| 176 | Deposition of Lester Eber (excerpts from both days) | Deposed 1/23/2019 and 6/27/2019 |
| 177 | Deposition of Wendy Eber, individually (excerpts from both days) | Deposed 2/28/2019 and 6/28/2019 |

Plaintiffs' Exhibit List | Kleeberg v. Eber, 16-cv-9517

| EX # | DESCRIPTION | DATE |
|------|---|---------------------------------|
| 178 | Deposition of Eber Metro per FRCP 30(b)(6), with Wendy Eber as corporate designee (excerpts from both days) | Deposed 1/24/2019 and 2/27/2019 |
| 179 | Deposition of Eber-CT per FRCP 30(b)(6), with Wendy Eber as corporate designee | Deposed 2/27/2019 |
| 180 | Deposition of Richard Harris Hawks, Jr. (excerpts from both days) | Deposed 8/20/2018 and 4/11/2019 |
| 181 | Deposition of Southern Glazer's Wine & Spirits, LLC per FRCP 30(b)(6), with Lee Hager as corporate designee | Deposed 5/9/2019 |
| 182 | Deposition of Frank C. Torchio | Deposed 8/23/2019 |
| 183 | Notice of Appeal of Jan. 16, 2016 Judgment in favor of PBGC, filed by EBWLC | Filed 3/16/2016 |
| 184 | All W-2s produced by Defendants for Wendy Eber in 2007-2009, in response to a request for production of all W-2s issued by any Eber company | Undated |
| 185 | Email from Wendy Eber to Gumaer and Lester | 5/31/2012 |
| 190 | Declaration of Audrey Nan Hays | Signed 11/4/2019 |
| 191 | Declaration of Lisa Stein | Signed 11/8/2019 |
| 192 | Declaration of Daniel Kleeberg | Signed 11/8/2019 |